

## UNITED STATES DISTRICT COURT

## DISTRICT OF RHODE ISLAND

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EMHART INDUSTRIES, INC. :

Plaintiff :

VS. :

C.A. No. 02-053ML

HOME INSURANCE CO., INSURANCE :

COMPANY OF NORTH AMERICA, :

LIBERTY MUTUAL INSURANCE CO., :

NORTH RIVER INSURANCE CO., :

ONEBEACON AMERICA INSURANCE :

CO., and UNITED STATES FIRE :

INSURANCE CO., :

Defendant :

DEPOSITION of FELIX PALUMBO, in the above-entitled cause, taken on behalf of the Defendants before Melanie M. Chace, RPR, Notary Public, in and for the State of Rhode Island, at the offices of Holland & Knight, LLP, One Financial Plaza, Suite 1800, Providence, Rhode Island on December 20, 2002 at 9:30 a.m.

## PRESENT:

FOR THE PLAINTIFF: ..... WILLCOX, PIROZZOLO AND MCCARTHY  
50 FEDERAL STREET  
BOSTON, MA 02110

BY: RICHARD L. BINDER, ESQUIRE

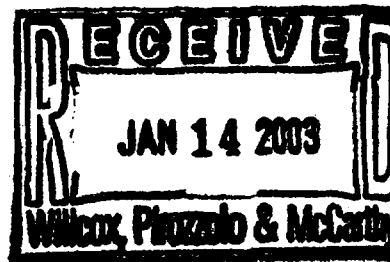
FOR THE DEFENDANT: ..... MORRISON, MAHONEY & MILLER  
HOME INSURANCE CO. BY: MICHAEL T. FARLEY, ESQUIRE

ALLIED COURT REPORTERS, INC.

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FOR THE DEFENDANT: ..... SIEGAL & NAPIERKOWSKI  
 INS. CO. OF NORTH AMERICA 220 LAKE DRIVE EAST  
 CHERRY HILL, NJ 08002  
 BY: JOHN F. GLOWACKI, JR., ESQUIRE

FOR THE DEFENDANT: ..... HERMES, NETBURN, O'CONNOR &  
 ONEBEACON AMERICA SPEARING, P.C.  
 111 DEVONSHIRE STREET  
 BOSTON, MA 02109  
 BY: PETER C. NETBURN, ESQUIRE

FOR THE DEFENDANT: ..... HOLLAND & KNIGHT, LLP  
 LIBERTY MUTUAL BY: ROBIN MAIN, ESQUIRE

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(DEPOSITION COMMENCED AT 9:31 A.M.)  
 FELIX J. PALUMBO  
 Being duly sworn, deposes and testifies as follows:  
 THE REPORTER: Would you state your full  
 name for the record, please.  
 THE WITNESS: Felix J. Palumbo.  
 EXAMINATION BY MR. GLOWACKI  
 Q. Good morning, Mr. Palumbo, I'm John Glowacki. I  
 represent Century Indemnity Company, which is an  
 insurance company that is a defendant in this action.  
 This morning I'm going to be asking you some  
 questions. If at any time you don't understand a  
 question that I ask you, please let me know and I'll  
 be happy to rephrase it.  
 A. Okay. Can I tell you one thing? I've been  
 employed by this 50 years ago. So, whatever I tell  
 you, I ain't positively sure of it.  
 Q. We understand that it goes back a long way, so  
 whatever you can tell us, just do the best you can,  
 and that's perfectly fine.  
 A. All right.  
 Q. If you don't know the answer to a question, it's  
 perfectly fine to just tell us that?  
 A. Uh-huh.

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Q. If at any point you need to take a break, if you want  
 to get something to drink or you have to use the  
 restroom, please let us know and we'll be happy to  
 accommodate you.  
 A. Okay.  
 Q. I guess the only other thing that I should mention is,  
 as you know, the court reporter is taking down what  
 you and I are saying. And I guess both of us need to  
 try to wait until the other person is finished  
 speaking to speak so the court reporter could take it  
 down. I know it's very difficult when you're in one  
 of these proceedings to sometimes not wait until the  
 question is finished or the answer is finished,  
 because you're anticipating what the person is saying.  
 Sir, could you state your name for the record?  
 A. Felix Palumbo. You want my middle name, too?  
 MR. GLOWACKI: That would be fine.  
 A. John.  
 Q. Sir, where do you live?  
 A. [REDACTED]  
 Q. Sir, you're appearing today pursuant to a subpoena  
 that was served upon you?  
 A. Yes.  
 Q. Sir, that subpoena that you were served is on the

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1 table in front of us?  
 2 A. Yes.  
 3 MR. GLOWACKI: Off the record.  
 4 (OFF THE RECORD, 9:34 - 9:35)  
 5 (PALUMBO EXHIBIT 1 MARKED FOR ID)  
 6 Q. Mr. Palumbo, I'm going to hand you what has been  
 7 marked as Exhibit 1 and just ask you if this appears  
 8 to be a copy of the subpoena that you were served?  
 9 A. Yep. Wait a minute. Yep, yep.  
 10 Q. Let me put that aside for now, Mr. Palumbo, and ask  
 11 you, did you at one time work for a company known as  
 12 Metro Atlantic?  
 13 A. Yes.  
 14 Q. Sir, when did you work for Metro Atlantic?  
 15 A. 50 years ago.  
 16 Q. Would that have been approximately beginning in 1951?  
 17 A. Yeah.  
 18 Q. When did you leave the employ of that company?  
 19 A. That I couldn't tell you, I forget when I left it.  
 20 Q. Sir, what did you -- what was your position at Metro  
 21 Atlantic?  
 22 A. I was a truck driver.  
 23 Q. Were you a truck driver for the entire period of time  
 24 that you worked at Metro Atlantic?

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1 A. Yes.  
 2 Q. Sir, after you left Metro Atlantic what did you do  
 3 after that by way of employment?  
 4 A. I went to another chemical plant, GM Gannon.  
 5 Q. How long were you at that plant?  
 6 A. Oh, God, I don't know, a few years, I would say.  
 7 I was a truck driver there.  
 8 Q. Did you work at another company after that company?  
 9 A. Not that I know.  
 10 Q. Sir, are you currently retired?  
 11 A. Yes.  
 12 Q. When did you retire?  
 13 A. God, I wish I had my wife here. I don't know the  
 14 dates when I retired. You mean my age?  
 15 Q. You can tell us your age and maybe we can work back  
 16 from there?  
 17 A. [REDACTED]  
 18 Q. How old are you now?  
 19 A. [REDACTED]  
 20 Q. So about 12 years ago you retired?  
 21 A. Yep.  
 22 Q. Was the job that you had at Metro Atlantic your first  
 23 full-time job?  
 24 A. Yeah, full-time job, yep.

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1 Q. When you started at Metro Atlantic, can you just  
 2 describe for me what your duties were as a truck  
 3 driver?  
 4 A. Well, go in there and load your trucks up and get  
 5 all the freight up. Mark them where they're going,  
 6 like if they're going to Fall River or wherever  
 7 they're going. Stencil it on the drum, then you put  
 8 it on the truck, and get your papers from Danny  
 9 Paterson, then you took off.  
 10 Q. Who was Mr. Paterson?  
 11 A. He was a shipper and receiver.  
 12 Q. Was he the shipper and receiver the whole time you  
 13 were at Metro Atlantic?  
 14 A. No, Ray Williams was before that.  
 15 Q. How long did Mr. Williams work at the company?  
 16 A. I don't know, I forget.  
 17 Q. When he stopped being in charge of shipping and  
 18 receiving did he continue to work for the company?  
 19 A. I don't know, sir, I'm sorry, I don't know. This  
 20 is going back a long time, you forget.  
 21 Q. I understand. Did you ever have any other job  
 22 responsibilities at Metro Atlantic other than driving  
 23 a truck to make deliveries and pickups?  
 24 A. No.

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1 Q. Did you ever work in any of the buildings at the  
 2 plant?  
 3 A. Nope. You work in the shipping department. You  
 4 go downstairs, you go upstairs, three floors, one,  
 5 two, three, yeah, three floors.  
 6 Q. Did you --  
 7 A. You had to go downstairs to get some freight and  
 8 send it up on an elevator, and somebody takes it off  
 9 and marks it.  
 10 Q. In the course of going downstairs to get freight and  
 11 so forth, did you ever have an opportunity to observe  
 12 the manufacturing operations in the building?  
 13 A. I don't understand what you mean there.  
 14 Q. Did you ever observe the making of the chemicals at  
 15 the plant?  
 16 A. No, not especially. I didn't care, just as long  
 17 as I got my freight and got out of there.  
 18 MR. GLOWACKI: I'm going to mark as  
 19 Exhibit 2 a copy of a map of the facility.  
 20 MS. MAIN: Can we go off the record.  
 21 (OFF THE RECORD, 9:40 - 9:41)  
 22 Q. Sir, I'm going to ask you to take a look at the map  
 23 that's been marked as Turcone 3 and you can let me  
 24 know if you recognize the layout?

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1 A. Mineral Spring Avenue is way down here. Metro  
 2 Atlantic is right here.  
 3 Q. Sir, you're pointing to the area where there are a  
 4 number of markings and red pen on the map?  
 5 A. Yeah, Waterman Avenue. Smith Street. Uh-huh,  
 6 yeah, right here, Metro Atlantic. --  
 7 Q. Sir, could you mark with this green pen where the  
 8 loading dock was?  
 9 THE WITNESS: The loading dock was?  
 10 Q. Or at least the building where the loading dock was?  
 11 THE WITNESS: If this map is right, it  
 12 says Metro Atlantic, this is Metro Atlantic right  
 13 here?  
 14 MR. GLOWACKI: According to the map.  
 15 THE WITNESS: Where is the yard you come  
 16 into? This is too far back. Oh, here is the parking  
 17 right here, right?  
 18 MR. GLOWACKI: I think that's right.  
 19 A. You come in from Smith Street, the loading is back  
 20 right here.  
 21 Q. What did you call that, the building where the loading  
 22 dock was located?  
 23 A. What do you mean, what do you call it? Shipping  
 24 and receiving.

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1 Q. Can you describe for me the building at the plant  
 2 where the shipping and receiving was located?  
 3 A. It is a three-story building, like I told you, you  
 4 go down to the third floor, pick up freight and send  
 5 it up. That's it.  
 6 Q. Is that the largest building in the Metro Atlantic  
 7 complex?  
 8 A. Yeah, that was it.  
 9 Q. Was that where some of the chemicals were made?  
 10 A. Yes, all chemicals were made in that building.  
 11 Someone started on the third floor, went down to the  
 12 second floor and unloaded.  
 13 Q. Were there any other buildings at the facility where  
 14 chemicals were made?  
 15 A. I can't tell on this map. There used to be  
 16 another building over here but right across from this,  
 17 where they made chemicals, unless this is the one down  
 18 here, I don't know, near the river.  
 19 Q. Do you want to mark where you think that building may  
 20 have been, you can mark that as Number 2?  
 21 A. It was right aside of this one, but this ain't  
 22 aside of it. This one right over here. 2, I guess.  
 23 Then you're going into the barrel shop, down the back  
 24 here, right?

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1 Q. The barrel shop, is that -- are you referring to a  
 2 building that looks like it has a Number 6 over it in  
 3 red?  
 4 A. Uh-huh. Number 6 you said?  
 5 Q. Is that the barrel shop?  
 6 A. Yeah. That's the barrel shop. As far as I  
 7 remember now, okay.  
 8 MR. GLOWACKI: Understood.  
 9 A. I could be wrong. Best of my knowledge, I should  
 10 say, right, we moved out of there and went down to  
 11 Providence.  
 12 Q. There came a point where you moved out of the  
 13 Centerdale facility?  
 14 A. Yes.  
 15 Q. And you moved to --  
 16 A. Providence.  
 17 Q. -- Providence? About how long did you work in the,  
 18 what I'm going to call the Providence plant before you  
 19 left the company?  
 20 A. Not too long, I don't know exactly how long I  
 21 worked.  
 22 Q. Maybe a couple of years?  
 23 A. Maybe a couple of years.  
 24 Q. So most of your work time at --

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1 A. Centerdale plant.  
 2 Q. Was at the Centerdale plant?  
 3 A. Yeah, right here. They didn't call it Metro  
 4 Atlantic, they called it Atlantic Chemical when I  
 5 first started. Atlantic Chemical, then they changed  
 6 it to Metro.  
 7 Q. So initially when you started in 1951 it was called  
 8 Atlantic Chemical?  
 9 A. Right.  
 10 Q. Then at some point it changed names to Metro Atlantic?  
 11 A. Right.  
 12 Q. Did it also change names --  
 13 A. Yeah, Crown Metro.  
 14 Q. That was toward the end of your tenure at the company?  
 15 A. Yeah.  
 16 Q. When you were working as a truck driver and you were  
 17 delivering chemicals to Metro Atlantic customers, did  
 18 you also on occasion pick up empty barrels?  
 19 A. Yes.  
 20 Q. What happened to the empty barrels?  
 21 A. Brought them back to the barrel shop.  
 22 Q. Where did they store the empty barrels that you  
 23 brought back?  
 24 A. Outside the front there somewhere. It could be

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1 right here, I don't know, it could be.  
 2 Q. They were just stored on the ground --  
 3 A. Yeah. I interrupted you.  
 4 MR. GLOWACKI: That's fine. Why don't  
 5 you continue.  
 6 A. You store them there and they took them inside,  
 7 cleaned them out and reconditioned them.  
 8 Q. When the barrels were stored, were they just stored on  
 9 the dirt on the ground?  
 10 A. Yeah, I would say that.  
 11 Q. Do you recall seeing any leaks or spill from the  
 12 barrels that you would bring back?  
 13 A. No.  
 14 Q. Are you familiar with the process that they used to  
 15 recondition the barrels?  
 16 A. No, I'm not. You got to ask the truck driver used  
 17 to drive the truck, Ray Nadeau, he knows.  
 18 Q. You never -- that wasn't something you ever worked?  
 19 A. No. And Walter Murphy, but these guys have passed  
 20 away. Buster Murphy.  
 21 Q. Walter Murphy and Buster Murphy, they passed away?  
 22 A. Yeah, they worked down the barrel shop part time.  
 23 Q. Anyone else work down in the barrel shop?  
 24 A. Not that I know of.

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1 Q. Who worked in the Metro Atlantic when you were there?  
 2 A. Angelo Carbone.  
 3 Q. Is he also deceased?  
 4 A. He's deceased. Buster Murphy, Walter Murphy, they  
 5 worked two places.  
 6 Q. They worked both at the chemical plant and at the  
 7 barrel shop?  
 8 A. Yeah.  
 9 Q. Do you recall any other people who worked at Metro  
 10 Atlantic?  
 11 A. No. Danny Paterson, you got him, already. Ray  
 12 Williams, you got him already. Who else? I can't  
 13 recall. These people, the ones I remember, passed  
 14 away.  
 15 Q. Do you remember who worked in, I'm going to call it  
 16 the building by the river because I can't make out the  
 17 number --  
 18 MR. BINDER: Four.  
 19 Q. The building you marked as Number 2, and it's marked  
 20 as Number 4 in red on the map?  
 21 A. Yeah.  
 22 Q. Do you recall anyone who worked in that building?  
 23 A. What kind of a building was it?  
 24 Q. I've heard it referred to as the Texas tower?

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1 A. Never heard of it.  
 2 Q. Do you know, do you recall if that's the building  
 3 where they manufactured --  
 4 A. See, that's the building, that's what I said is  
 5 next to this one. Another chemical building, I think  
 6 it was, I ain't sure. That belongs to Metro Atlantic?  
 7 Atlantic Chemical?  
 8 MR. GLOWACKI: That's what we've been  
 9 told.  
 10 A. Yeah, okay.  
 11 Q. Sir, do you recall if a chemical called  
 12 Hexachlorophene was manufactured in that building?  
 13 A. Hexachlorophene, never heard of it. You got to  
 14 get the guys that used to work -- how about Bill  
 15 Daily, you got his name down there, William Daily.  
 16 Q. Who is Mr. Daily?  
 17 A. He was in charge of manufacturing chemicals in the  
 18 main plant, him and Johnny Joyal worked together. You  
 19 must have Johnny Joyal, they ought to tell you what  
 20 they did down there.  
 21 Q. Is Mr. Daily still alive?  
 22 A. I don't know.  
 23 Q. Do you know where he used to live?  
 24 A. [REDACTED] somewhere, I don't know.

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1 Q. When you were working for Metro Atlantic did you live  
 2 nearby the plant?  
 3 A. Yes.  
 4 Q. Where did you live?  
 5 A. I lived in Centerdale, George Waterman Road. No,  
 6 it ain't on the map. There it is, Waterman Avenue.  
 7 But way up, George Waterman Avenue, Graystone they  
 8 used to call it.  
 9 Q. Could you see the plant from where you lived?  
 10 A. No.  
 11 Q. Did you ever talk with anybody about any disposal of  
 12 waste at the plant?  
 13 A. No. When I worked for GM Gannon I used to handle  
 14 hazardous waste, you had to fill out applications and  
 15 everything. I never did it, I never heard of it, not  
 16 50 years ago, we never heard of hazardous waste.  
 17 There probably was hazardous waste, I don't know.  
 18 Q. Do you know how Metro Atlantic disposed of the waste  
 19 that generated from the making of the chemicals?  
 20 A. That I couldn't tell you. Like I told you who  
 21 would know, Bill Daily, Johnny Joyal, Walter Murphy,  
 22 Buster Murphy, they work right around the tanks. So  
 23 then they washed out the tank, they opened the valve,  
 24 it probably went down the river for all I know.

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1 That's the only thing I can figure.  
 2 Q. Were you ever inside of the building that you marked  
 3 in green as Number 2, and that was marked on the map  
 4 in red as Number 4?  
 5 A. Yeah, probably going in to get some drums to ship  
 6 out.  
 7 Q. Can you describe what it was like inside?  
 8 A. It was a big tank, that's it, all I remember is a  
 9 big tank.  
 10 Q. Were there any floor drains?  
 11 A. Floor drains, I didn't notice that. I wasn't  
 12 particular about that. There probably was. There had  
 13 to be, got to be drains, where the hell they send this  
 14 stuff? I know what you're getting at, I think you're  
 15 right, they sent everything down the river, what am I  
 16 going to do? I can't help that, 50 years ago.  
 17 MR. BINDER: I'm going to move to strike.  
 18 THE WITNESS: Huh?  
 19 MR. GLOWACKI: Mr. Palumbo, what may  
 20 happen on occasion is one of the other attorneys may  
 21 raise an objection, either to a question that I ask or  
 22 a portion of your testimony, and what they're trying  
 23 to do is just preserve legal arguments for the future.  
 24 THE WITNESS: Don't say those things, in

1 got the fresh air. You're going way, way, way back.  
 2 You know what I mean?  
 3 MR. GLOWACKI: Sure.  
 4 A. There was no law against the odors, I don't stick  
 5 up for Crown Metro, but that's what happened.  
 6 Q. How did they ship the chemicals that were  
 7 manufactured, what kind of container did they use?  
 8 A. 55 gallon steel drums.  
 9 Q. Did you ever watch those be filled?  
 10 A. Once in a while, yeah.  
 11 Q. How did they do it?  
 12 A. They got the tank there, they got a long hose and  
 13 open the valve, it goes in the drum.  
 14 Q. Did you ever notice any spillage when they were  
 15 filling up the drums?  
 16 A. I never noticed them, no.  
 17 Q. Who was responsible for filling the drums?  
 18 A. John Joyal.  
 19 Q. Anybody else?  
 20 A. Walter Murphy, Buster Murphy, who else? Those  
 21 guys are gone. No.  
 22 Q. Who was in charge of running the daily operations at  
 23 the plant?  
 24 THE WITNESS: At the time?

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1 other words?  
 2 MR. GLOWACKI: Not at all.  
 3 MR. NETBURN: Just ignore us.  
 4 MR. GLOWACKI: I was going to say just  
 5 ignore us. It's just a matter of lawyers doing their  
 6 job, but certainly don't let it affect any of your  
 7 answers.  
 8 THE WITNESS: Uh-huh.  
 9 Q. Do you recall what products Metro Atlantic made?  
 10 A. The most one I reported, they called it Resin 400  
 11 T.  
 12 Q. What was that used for?  
 13 A. I don't know, we shipped it to Duro Finishing and  
 14 places like that, Pioneer Finishing, Fall River.  
 15 Finishing cloth, I would say. What was in the  
 16 chemicals? Formaldehyde. Is that dangerous? That's  
 17 embalming fluid, I remember that.  
 18 Q. That product, the Resin 400 had formaldehyde in it?  
 19 A. Yeah, stinks, that's why I remember that one.  
 20 Q. Did the plant have a lot of odors?  
 21 A. Yeah, when they loaded stuff like that.  
 22 Q. How did they --  
 23 A. They had fans in there and blow it out, but I was  
 24 in the shipping room. Went down the loading dock and

1 MR. GLOWACKI: Yes.  
 2 A. Bernie Buonanno.  
 3 Q. Who was Mr. Buonanno?  
 4 A. He was Joe Buonanno's brother, he was -- I don't  
 5 know if he was an owner or what, Joe Buonanno was the  
 6 owner. I don't know what he was.  
 7 Q. Is Bernie Buonanno still alive, do you know?  
 8 A. I don't know that, either. He can't be. I'm 75  
 9 and I don't know how many years ago. You should know  
 10 that, you checked out everybody.  
 11 Excuse me one minute. Here's what I don't  
 12 understand, maybe I'm wrong. I got five guys come up  
 13 my house that ask me the same questions you're asking  
 14 me. One guy, I think it was DEM, I had to sign a  
 15 paper and that's all I know. And my wife said at a  
 16 point, she said the next guy that comes up, she's  
 17 going to throw him out. What are they finding out? I  
 18 don't know.  
 19 MR. BINDER: I move to strike.  
 20 MR. GLOWACKI: I understand you don't  
 21 want -- you're retired, you don't want to be  
 22 disturbed. We'll try to keep this as brief as  
 23 possible.  
 24 THE WITNESS: I don't care, I'll answer

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1 your questions, but I hope I don't have to come back  
2 again.

3 MR. GLOWACKI: I hope not either.

4 A. Oh, God. Let me put it this way, hate to say  
5 this, but where they manufacture chemicals, they had  
6 to wash out a tank, it had to go down the drain in the  
7 river, that's what I would say.

8 MR. BINDER: I move to strike.

9 Q. Did you ever see them wash down the tanks?

10 A. Nope.

11 Q. Did you ever talk with any of the guys whose job it  
12 was to take care of the tanks?

13 A. No. All I told them, I said, get the tank  
14 unloaded, I want that chemical right away. That's  
15 about it. So I put it on the drum and ship it out.

16 Q. Was the plant dirty?

17 A. Let's put it this way, I wasn't in the plant that  
18 many times, you know? I couldn't tell you if it was  
19 dirty or what. To me it looked clean.

20 MR. GLOWACKI: Can we go off the record  
21 for just a minute?

22 (OFF THE RECORD, 9:59 - 10:02)

23 MR. GLOWACKI: I would like to mark for  
24 the record a document as Exhibit 2, it's entitled

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1 Declaration of Felix John Palumbo, and it's Bates  
2 label SBSF 12948 through SBSF 12950.

3 (PALUMBO EXHIBIT 2 MARKED FOR ID)

4 Q. Mr. Palumbo, that is a document which we've marked as  
5 Exhibit 2, I ask you to just take a look at it and see  
6 if you can tell me if you recall seeing that before?

7 (WITNESS PERUSING DOCUMENT)

8 A. Yeah, I signed this, didn't I?

9 Q. Sir, if you take a look at the very last page, is that  
10 your signature?

11 A. Yeah. This is the whole thing what I told you  
12 guys. Delivered barrels, they asked me these things,  
13 Duro Finishing.

14 Q. Sir, this is the document that one of the men who came  
15 to your house to ask you questions --

16 A. Yes.

17 Q. -- asked you to sign?

18 A. Yep. See, he's got places, Baylis Company, where  
19 did he get these from? I didn't tell him these  
20 things. Although I went to these places, but he asked  
21 me the questions, yeah. I shut him up, I said yeah.  
22 Look at that.

23 Q. Sir, tell me is there anything in here that you don't  
24 think is correct now?

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1 A. I think it's all correct, I believe it's all  
2 correct. I did all these things here, I don't  
3 remember the companies, that's all I don't remember,  
4 you know? Brown and Sharpe, where else, Bates  
5 Manufacturing, Lewiston, Maine, I remember Duro  
6 Finishing. You got Duro Finishing on here? Yeah,  
7 there it is. I must have delivered to all these  
8 companies.

9 Q. Sir, did you ever talk with Dr. Springer at Metro  
10 Atlantic?

11 THE WITNESS: Who, talk to him?

12 MR. GLOWACKI: Yes.

13 A. Yeah.

14 Q. Did you ever talk to him about the chemicals that were  
15 used at the plant?

16 A. No, I never talked about that. You mean if he  
17 asked me, don't breathe them in like it says there?  
18 Yeah.

19 Q. When he told you not to breathe them in, how did that  
20 come up?

21 A. He said they're dangerous, I guess, he said they  
22 must be dangerous. Like the formaldehyde, I couldn't  
23 stand the formaldehyde, my eyes were watering tears  
24 and you ain't got that down there.

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1 MR. BINDER: Move to strike.

2 Q. Did any of the other companies that had chemicals  
3 bother you?

4 A. Not that I know of. Probably some, sulphuric acid  
5 or something like that, I don't know. There were so  
6 many chemicals in those days.

7 Q. Did Dr. Springer tell you you should avoid breathing  
8 in the chemicals if you wanted to have a family?

9 MR. BINDER: Objection.

10 MR. GLOWACKI: Could you read that  
11 question?

12 (PREVIOUS QUESTION READ BY REPORTER)

13 A. I would say yeah, he said that. Hazardous to your  
14 health or something. When did he say this, I don't  
15 recall this? Somebody said it. Right?

16 Q. Sir --

17 THE WITNESS: Where did you get that  
18 from, who told you that?

19 Q. Why don't you take a look at Paragraph 4 of Exhibit 2?

20 A. Not to smoke in the vicinity, Dr. Springer, head  
21 chemist. If it was me, I should not breathe, want to  
22 have a family. Yeah, that's right.

23 Q. Do you recall what's recounted in Paragraph 4?

24 A. Right. But the way it's worded, okay.

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1 Q. Can you just describe for me how the plant was laid  
 2 out, what you recall?  
 3 A. What I recall the main building, right, had three  
 4 floors, right. And like you said, the other places is  
 5 across the street from it, and that's it. And the  
 6 three floors are tanks, you know, they charged them,  
 7 what they call charge the tank, put the chemical in it  
 8 and on the bottom floor discharged.  
 9 Q. And when they discharge the chemicals, where did they  
 10 go?  
 11 A. Into a 55 gallon steel drum. Discharged in a 55  
 12 gallon drum which was shipped up to the shipping room.  
 13 We go down and get it, and if it had to go to Duro  
 14 Finishing in Putnam, I delivered it. Not only me,  
 15 Angelo Carbone did it, and Frank LaBree did it. But  
 16 these guys are gone.  
 17 Q. What kind of truck did you use?  
 18 A. International.  
 19 Q. About how big?  
 20 A. Oh God, how long was it? Regular sized. Not a  
 21 trailer, half a trailer, I would say.  
 22 Q. Was it an open-back truck?  
 23 A. Open door, no, no, it was all closed in.  
 24 Q. About how many barrels could you get in there?

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1 A. About 20 to 30.  
 2 Q. Do you recall what was along the river at the plant?  
 3 THE WITNESS: Recall what?  
 4 Q. Was there anything, were there any barrels stacked by  
 5 the river or anything like that, do you remember?  
 6 A. No, don't remember that.  
 7 Q. Do you ever recall there being fires at the plant?  
 8 A. Nope.  
 9 Q. We were talking about how the chemicals were made in  
 10 the plant, you said they charged the vessel from the  
 11 top and then they took the finished product out at the  
 12 bottom?  
 13 A. Uh-huh.  
 14 Q. The inside of the building, were there like open  
 15 floors with catwalks, you know, how was it laid out?  
 16 A. The big tank, right, and at the bottom it had a  
 17 hose on it. And they set up all the drums and they  
 18 filled them up.  
 19 Q. How tall was the tank?  
 20 A. I don't know, I guess two floors high, from the  
 21 first floor to the second floor, and some were three  
 22 floors high.  
 23 Q. Were there any storage tanks outside of the building?  
 24 A. I don't know that, you have to ask those other

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1 guys.  
 2 Q. The loading dock was?  
 3 A. Facing Smith Street.  
 4 Q. Facing Smith Street?  
 5 A. Yeah.  
 6 Q. Was there a parking lot in front of the loading dock?  
 7 A. On the side.  
 8 Q. Was it paved?  
 9 A. Paved as far as I remember, now, I'm going way  
 10 back.  
 11 Q. Was there an office area at the plant, too?  
 12 A. Smith Street, you go down Smith Street, you walk  
 13 in the building there and there's the office right  
 14 there, and you could walk right through the office, go  
 15 all the way down. There's all the tanks where they  
 16 load them, then you come in the shipping room where we  
 17 loaded trucks and took off with them.  
 18 Q. Who worked in the office?  
 19 A. I don't know, sir, I don't remember. Buonanno, I  
 20 know that, Bernie Buonanno worked in the office.  
 21 Q. Was he there pretty much every day?  
 22 THE WITNESS: Huh?  
 23 Q. Was he there pretty much every day?  
 24 A. I would say that, yeah, make sure everybody

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1 started work on time and did what they had to do.  
 2 Q. What was your work day?  
 3 A. My work day? Between eight and ten hours  
 4 sometimes, all depends how far I went.  
 5 Q. At what time in the morning did you start?  
 6 A. What time did I start in the mornings? Eight  
 7 o'clock.  
 8 Q. Did the folks who worked in making the chemicals also  
 9 start at eight?  
 10 A. Jeez, I don't know, I don't remember that. I  
 11 don't know, that, sir.  
 12 Q. Do you know if they ran more than one shift?  
 13 A. Only one shift that I remember. They could have  
 14 ran two shifts, I ain't sure.  
 15 Q. When you would pick up barrels that were going to be  
 16 taken back to the barrel shop, when you got back to  
 17 the plant what did you do with the barrels?  
 18 A. Brought them right down it the barrel shop. They  
 19 unloaded them, stacked them up and that was it.  
 20 Q. How did they stack them?  
 21 A. I would say three high.  
 22 Q. Were they --  
 23 A. On the dirt, if you're talking about.  
 24 Q. Were they stacked vertically or horizontally?



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1 A. Vertically, straight. If they leaked, they  
 2 leaked. If they didn't, I don't know. They didn't  
 3 leak on my truck, I'll tell you that. I didn't want  
 4 to clean them.  
 5 Q. Were the barrels empty or did they still have a little  
 6 bit of material?  
 7 A. They're supposed to be empty, sir, you know when  
 8 they pick them up, they're supposed to be completely  
 9 empty but some had hazardous stuff in them, I imagine.  
 10 MR. BINDER: I move to strike.  
 11 Q. You mentioned that John Joyal?  
 12 A. Johnny Joyal, yeah.  
 13 Q. What did he do at the plant?  
 14 A. He charged the kettles and took them out, the  
 15 products out. But he was told by Bill Daily what to  
 16 put in the kettles.  
 17 Q. Was Bill Daily Joyal's boss?  
 18 A. Yes.  
 19 Q. Who was your boss?  
 20 A. Who was my boss at the time? Bernie Buonanno.  
 21 You mean at the time? Danny Paterson. He told me  
 22 where to go, load the trucks up, go there. You'll see  
 23 him this afternoon at 1:30.  
 24 Q. That's right. Do you keep in touch with Mr. Paterson?

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1 A. I don't, no, I don't. Only this here we're  
 2 keeping in touch. Who else you going to see today?  
 3 MR. GLOWACKI: That's it.  
 4 THE WITNESS: How about Ray Nadeau, are  
 5 you going to see him?  
 6 MR. GLOWACKI: We already did.  
 7 THE WITNESS: Did he give you a hard  
 8 time?  
 9 MR. GLOWACKI: No, he was nice to me.  
 10 A. He picked up the barrels, he picked up a lot of  
 11 barrels. Did he tell you it was hazardous waste in  
 12 them? At the time it wasn't an issue, anyways.  
 13 Q. What did Buster Murphy do at the plant?  
 14 A. He worked all around the plant. Somebody wanted  
 15 the tank discharged, he would do it, somebody wanted a  
 16 floor cleaned, he did it. He did everything.  
 17 Q. Did you ever work with Buster on anything?  
 18 A. No.  
 19 Q. You said he had, he also had a brother named Walter  
 20 Murphy?  
 21 A. Yeah.  
 22 Q. What did Walter Murphy do?  
 23 A. He was in charge of everything, like Buster, he  
 24 was over Buster. He worked at the barrel shop and

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1 everything.  
 2 Q. Did the Murphy brothers also work at the chemical  
 3 plant?  
 4 A. Yes. They started there.  
 5 Q. Who else in addition to you drove trucks for Metro  
 6 Atlantic?  
 7 A. Frank LaBree, he's passed away, Angelo Carbone and  
 8 one more guy, I can't even think of his name. Oh,  
 9 God, I can't think of his name, Ray something. You  
 10 got it down there, tell me his last name and I'll tell  
 11 you if it's right.  
 12 Q. Mr. Williams?  
 13 A. Ray Williams, he drove truck once in a while. But  
 14 this guy was a steady, he used to drive the trailer.  
 15 Frank LaBree, you got him down there?  
 16 Q. Yes, we talked about Mr. LaBree. How about a guy  
 17 named Cefali?  
 18 THE WITNESS: The barrel shop or?  
 19 Q. Mr. Cefali drove truck for the barrel shop?  
 20 A. Yes. Ray Nadeau did. You're talking about Metro  
 21 Atlantic, who drove the trucks for Metro Atlantic.  
 22 You got that down there? Me, Angelo, Frank LaBree and  
 23 one more guy, Ray something, I forget his last name.  
 24 It's got to be in there or nobody got him.

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1 Q. Did anybody ever give you any instructions for how to  
 2 handle the drums when you were delivering them in  
 3 terms of any precautions you had to take?  
 4 A. No, not that I know of, nope. You had a two-wheel  
 5 barrel truck, pushed them off our truck on their  
 6 loading dock and that's it.  
 7 Q. Did you have to put any placard on the truck?  
 8 A. Oh, yes, all the time, whatever you're carrying.  
 9 Hazardous, dangerous, flammable, corrosive.  
 10 Q. Do you remember what placards you used for any of the  
 11 products?  
 12 A. Mostly dangerous, that covers everything, it's  
 13 supposed to cover everything. Dangerous.  
 14 Q. How about flammable, do you remember when you had to  
 15 use that placard?  
 16 A. Anything flammable.  
 17 Q. Do you remember what products were flammable?  
 18 A. Not offhand. They tell you. If they read it  
 19 right on the bill of lading -- you got a bill of  
 20 lading which Dan Paterson made out. On that bill of  
 21 lading, if the chemical was flammable he put flammable  
 22 on it. According to the law, a thousand pounds or  
 23 more I had to placard it, flammable, corrosive,  
 24 dangerous, whatever it was in those days. Now the law

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1 changes, I don't know what it is today.  
 2 Q. Did you have a bill of lading for every shipment that  
 3 you took out in the truck?  
 4 A. Yes.  
 5 Q. Mr. Paterson would make up the bills of lading?  
 6 A. Yes, he made them out, I would give one to the  
 7 customer -- I'm sorry. I give one to the customer and  
 8 one I bring back after he signed it saying that he got  
 9 the freight.  
 10 Q. When you brought it back, who did you give it to?  
 11 A. Put it right in the shipping room. We had a  
 12 little office as the shipping room and you put all  
 13 your bills on the spindle in there.  
 14 Q. Do you know what happened to the bills after you put  
 15 them on the spindle?  
 16 A. I imagine they went up to the front office so they  
 17 could bill the customer.  
 18 Q. What other -- other than bills of lading, is there any  
 19 other kind of papers that you had to have customers  
 20 sign?  
 21 A. No. If I picked up something I had -- I signed it  
 22 and I had to bring that to the plant, yeah.  
 23 Q. When you brought that paper back to the plant, did you  
 24 put it on the spindle?

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1 A. Yeah.  
 2 Q. What other kinds of records did they keep in the  
 3 shipping office?  
 4 A. That's all I know of. Tell me what you're looking  
 5 for, maybe I can help you out, I don't know.  
 6 Q. Did you get -- did you ever have anything to do with  
 7 handling stuff when it was delivered to the plant,  
 8 other than when you were talking about delivering it  
 9 to customers?  
 10 THE WITNESS: You mean unload it from a  
 11 truck?  
 12 MR. GLOWACKI: Yes.  
 13 A. Yes, unload it from the truck and put it in the  
 14 shipping room. Freight, that is, it could be urea, it  
 15 could be chemicals.  
 16 Q. The urea, how was -- what was that?  
 17 A. 100 pound bags, 100 pound bags.  
 18 Q. Paper bags?  
 19 A. Yes.  
 20 Q. Where was that stored?  
 21 A. I would say up on the third floor, close to Larry  
 22 Bello's tank, he loaded up to make the product 400 T.  
 23 Q. Who is Larry Bello?  
 24 A. He was a chemist in charge of making Resin 400 T

1 and other stuff.  
 2 Q. Do you know what other stuff he made?  
 3 A. No, I don't know what chemicals he made.  
 4 Q. Do you know if Mr. Bello is still alive?  
 5 A. I don't know that, either. Sir, I hate to  
 6 interrupt you. This is going back 50 years, I don't  
 7 know if these guys are alive. If you asked me this 50  
 8 years before, I could tell you, Walter Murphy is right  
 9 there, Buster Murphy is right there. But 50 years  
 10 going back, I don't know. Sorry.  
 11 Q. That's okay, that's fine. You said that you would  
 12 unload urea, what other stuff would come in the plant?  
 13 A. The urea I remember because they had to have every  
 14 guy in the shipping room go down. One hundred pound  
 15 bags, we put seven on a hand truck and wheeled them up  
 16 to the elevator and send it back to the third floor  
 17 and another guy took them off. I remember that, it  
 18 was hard work.  
 19 Q. Who took them off upstairs?  
 20 A. Buster Murphy, the Murphy brothers, maybe, took  
 21 them off.  
 22 Q. Did you ever have to unload stuff that came in drums?  
 23 A. Yeah.  
 24 Q. Do you remember what that was?

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1 A. No, offhand, no. All I remember is sulfuric acid,  
 2 that came in from TH Baylis. They're another chemical  
 3 plant.  
 4 Q. The sulfuric acid came in drums?  
 5 A. Small 55 gallon containers. Not 55, the small --  
 6 30 gallons, 15 gallons I imagine.  
 7 Q. Were they steel drums?  
 8 A. No, plastic.  
 9 Q. Where was that stuff kept?  
 10 THE WITNESS: Where was it kept?  
 11 Q. Where did they store it?  
 12 A. Whoever used it. Say Johnny Joyal wanted some,  
 13 they store it down his place. Larry Bello wants it,  
 14 upstairs in his place.  
 15 Q. How often did they get deliveries?  
 16 A. I couldn't tell you that because Paterson -- I was  
 17 out on the road, Danny Paterson can tell you that,  
 18 when you see him he'll tell you.  
 19 MR. GLOWACKI: Mr. Palumbo, I think I'm  
 20 finished with you, thanks very much for your time.  
 21 I'm going to pass the questioning off to my  
 22 colleagues.  
 23 EXAMINATION BY MS. MAIN  
 24 Q. Good morning, Mr. Palumbo. Again, my name is Robin

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1 Main and I represent Liberty Mutual Insurance Company.  
 2 I just have a couple of questions for you, okay?  
 3 A. Okay.  
 4 Q. Buster Murphy, do you know if Buster was a nickname  
 5 for another name?  
 6 A. Yeah. --  
 7 Q. What was the other name?  
 8 A. That I don't know. Buster was because he was  
 9 awful rough. He was banging things so we called him  
 10 Buster, he busted everything up.  
 11 Q. His brother was Walter Murphy?  
 12 A. Right.  
 13 Q. Do you know where they lived at the time?  
 14 A. I would say down in -- right off Steer Street,  
 15 somewhere around there. Close to the plant, they  
 16 could walk down the plant.  
 17 Q. Were they about your age when you were working  
 18 together?  
 19 A. No, I was younger.  
 20 Q. You were younger than they?  
 21 A. Yeah, I don't know exactly how old.  
 22 Q. Mr. Palumbo, did you ever see any heavy equipment on  
 23 site, like bulldozers?  
 24 A. No, never seen that.

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1 Q. At the Metro Atlantic building, the big building that  
 2 you pointed out to earlier, that building was right on  
 3 the river; is that correct?  
 4 A. No.  
 5 MR. BINDER: Objection.  
 6 A. On the river? It wasn't on the river, the river  
 7 went by it over here. It was close to it, I guess.  
 8 Q. Did you ever get a chance to look at the river when  
 9 you were working there?  
 10 A. I didn't pay attention to it.  
 11 MS. MAIN: You didn't pay attention,  
 12 okay.  
 13 A. The main thing was for me to get my truck loaded  
 14 and get out of there. That's it.  
 15 Q. Did you ever see any -- strike that. Did you ever  
 16 hear about any problems in the river?  
 17 MR. BINDER: Objection.  
 18 Q. Such as waste or garbage in the river?  
 19 A. No. I'll tell you, the people you want to ask,  
 20 Johnny Joyal, Bill Daily, because they handled the  
 21 chemicals. I didn't handle the chemicals, I  
 22 transported it.  
 23 Q. Okay. Do you remember earlier you said that there was  
 24 certain things that would make your eyes water up?

1 A. Formaldehyde.  
 2 MS. MAIN: I didn't mean to interrupt  
 3 you.  
 4 A. Some other chemicals would, but I don't know what  
 5 they were.  
 6 Q. Did you ever smell any chemicals when you were working  
 7 at Metro Atlantic?  
 8 A. Yeah, formaldehyde, I just told you.  
 9 Q. Anything else that you would detect an odor with?  
 10 A. No, offhand, I don't know. Let's put it this way,  
 11 they were making chemicals which is hazardous,  
 12 anything you make is hazardous. You're going back 50  
 13 years for me, I mean, I don't know, I don't know what  
 14 they're doing today. The barrels, they got a new  
 15 barrel shop up in Smithfield, I don't know what  
 16 they're doing up there and the chemicals -- there is  
 17 no chemical plant. There is an apartment house down  
 18 there. So, I don't know.  
 19 MS. MAIN: Okay, I understand, sir.  
 20 MR. BINDER: Move to strike.  
 21 MS. MAIN: Thank you for bearing with us  
 22 today.  
 23 THE WITNESS: Uh-huh.  
 24 Q. You said earlier that you had to bring back barrels

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1 for the barrel shop to recondition; correct?  
 2 A. Right.  
 3 Q. You said they would clean out the barrels; what do you  
 4 mean by that?  
 5 A. They have to clean them out to make them new  
 6 again, I imagine they did that. I don't know. I  
 7 ain't too sure what you mean.  
 8 Q. Did you ever see the process, how they cleaned out the  
 9 barrels?  
 10 A. No. I'll tell who could do it, Walter Murphy and  
 11 Buster Murphy. They worked down there, they did it.  
 12 I unload my barrels to those two guys and they stacked  
 13 them and that is it. Ask Johnny Michucki, he knows,  
 14 he was in charge of the barrel shop.  
 15 Q. Michucki, was that a nickname, as well?  
 16 A. I would say so.  
 17 Q. Do you know what his last name was?  
 18 A. No, that I don't know.  
 19 Q. When you would get -- did you get paid every week?  
 20 A. Yes.  
 21 Q. When you got your paycheck, who would give you your  
 22 paycheck, do you remember?  
 23 A. The girls in the office, they gave it to us. They  
 24 put it on the time cards.

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1 Q. Do you remember the names of any of the women who  
2 worked in the office?  
3 A. No, I can't remember.  
4 Q. Bill Daily is somebody you've mentioned a couple of  
5 times, do you recall where he lived?  
6 A. I think he lived off Smith Street in downtown  
7 Providence, North Providence.  
8 Q. Was Mr. Daily older or younger than you when you  
9 worked at Metro?  
10 A. Older than me.  
11 Q. You're about 75, sir; is that correct?  
12 A. Right, these guys -- you're talking about I don't  
13 know if they're alive or what. They got to be dead  
14 because you can't get in touch with them. Nobody can.  
15 They send the guy up to my house five times and he  
16 asked me the same thing, where do they live? I told  
17 them. This guy is laughing over here, he don't  
18 believe me.  
19 MR. FARLEY: I do believe you.  
20 A. He asked the same questions she's asking and he's  
21 asking. I know what you're driving at, this place  
22 polluted the water at that time, they probably did. I  
23 don't know, I mean I ain't going to condemn them, say  
24 they did, that was my job.

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1 MR. BINDER: Move to strike.  
2 MS. MAIN: We're just trying to get the  
3 facts out.  
4 A. It probably was right then, going back that far.  
5 Somebody should have closed them down a long time ago.  
6 This is something they found out it was polluting the  
7 area.  
8 Q. Mr. Palumbo, do you recall why the plant was moved  
9 from Centerdale to Providence?  
10 A. Why? I think it was Crown was doing a lousy  
11 business so we were doing a good business and we went  
12 down to help them out, or maybe the other way around.  
13 MS. MAIN: I have no further questions.  
14 Thanks for your time.  
15 MR. NETBURN: Off the record.  
16 (OFF THE RECORD, 10:31 - 10:36)  
17 EXAMINATION BY MR. NETBURN  
18 Q. Good morning, sir, my name is Peter Netburn. Let me  
19 try to go over a couple of years?  
20 A. I'm Mr. Felix J. Palumbo.  
21 Q. Pleased to meet you sir. Now, if I'm correct, you  
22 were born --  
23 A. [REDACTED] years old today.  
24 Q. How do you feel?

1 A. I feel good. Sometimes I get irritated -- not  
2 irritated, you know, upset.  
3 MR. NETBURN: I will try not it aggravate  
4 you.  
5 THE WITNESS: All right.  
6 Q. By my calculations, you started working for, at the  
7 time it was Atlantic Chemical, you were 21?  
8 A. Yeah.  
9 Q. Were you in the service before that?  
10 A. Huh? No.  
11 Q. Were you in service before that?  
12 A. No.  
13 Q. Where did you work before that?  
14 A. I used to work part time for Charlie the Greek  
15 down in Centerdale, Smith Street.  
16 Q. What were you doing?  
17 A. Short-order cook.  
18 Q. Then you moved into chemicals?  
19 A. Uh-huh.  
20 Q. Better pay?  
21 A. Yeah, of course you wanted the better pay.  
22 Q. Did you go to high school?  
23 A. Yes, but I didn't finish it.  
24 Q. When did you leave: 15, 16?

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1 A. Yeah, last year before.  
2 Q. So your first full-time job was with Atlantic  
3 Chemical?  
4 A. Right.  
5 Q. How did you get the job?  
6 A. Me and Angelo, you know -- you don't know him --  
7 Angelo Carbone, haunted this place, went down there  
8 all the time when Bernie Buonanno was boss and we  
9 asked him for a job. He said, 'No, come back later.'  
10 We finally got down there one time he said, 'Okay,  
11 you're both hired.' That was it.  
12 Q. What was the pay back then?  
13 A. Oh, God, it was a little better than it was for an  
14 average, it was a little bit better.  
15 Q. Was it a good job?  
16 A. Yeah, it was a good job, a dollar something, I  
17 don't know, an hour.  
18 Q. You were there for about 20 years?  
19 A. More than that, 25 years I would say.  
20 Q. Why did you leave?  
21 THE WITNESS: Huh?  
22 Q. Why did you leave?  
23 A. It was closed down, it was going with another  
24 company so I went down with the other company and that

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1 company folded up and that was it. Then I got a job  
 2 with GM Gannon.  
 3 Q. When you first started out, you started with somebody  
 4 else, Angelo?  
 5 A. Yeah, we were both together.  
 6 Q. He was -- how old was he? --  
 7 A. Same age as me.  
 8 Q. Were most of the people that worked there younger or  
 9 older?  
 10 THE WITNESS: How?  
 11 Q. When you first started?  
 12 A. Younger, mostly younger. Outside of Johnny Joyal,  
 13 Walter Murphy, like that.  
 14 Q. How many people worked for Atlantic Chemical then?  
 15 THE WITNESS: How many?  
 16 Q. Yes, half a dozen, dozen?  
 17 A. Yeah, something like that.  
 18 Q. Which one: Five, ten?  
 19 A. It all depends whether it was receivers, shippers,  
 20 chemists, truck drivers.  
 21 Q. So maybe a dozen?  
 22 A. Maybe a dozen or so.  
 23 Q. You would come in what time in the morning?  
 24 A. Eight o'clock, between eight and seven.

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1 Q. Did you have to punch in?  
 2 A. Uh-huh.  
 3 MR. NETBURN: You have to say yes for  
 4 her.  
 5 A. Yes.  
 6 MR. NETBURN: Or you could say no, but if  
 7 the answer is yes, you should say yes.  
 8 A. Yes, but if I made a delivery, I had to go to  
 9 Maine, something like that, I took the truck home and  
 10 just left in the morning, two o'clock in the morning,  
 11 three o'clock in the morning.  
 12 Q. Did you load up the truck the night before?  
 13 A. Yep, and go up to Maine.  
 14 Q. But you were starting off in the yard, you punch in?  
 15 A. Yeah.  
 16 Q. And where is the punch-in clock?  
 17 A. Right when you walk in the door.  
 18 Q. Did everybody need to punch in?  
 19 A. Yes, I would say if they wanted to get paid.  
 20 Q. Good point. The people who work for the barrel  
 21 company, they punch in on the same clock?  
 22 A. No, there were a different company altogether.  
 23 Q. Different?  
 24 A. Different.

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1 Q. You never worked for the barrel company?  
 2 A. No.  
 3 Q. Were there ever times when they were really busy and  
 4 they needed somebody for a couple of hours and you  
 5 would have to go down there?  
 6 MR. BINDER: Objection.  
 7 A. No, not that I know of.  
 8 Q. Were there ever times that other people from Atlantic  
 9 Chemical would have to go down to help out?  
 10 A. Yeah, I would say like Walter Murphy and Buster  
 11 Murphy, they worked two places.  
 12 Q. At the same time?  
 13 MR. BINDER: Objection.  
 14 A. Yeah, I guess so, same time.  
 15 MR. NETBURN: Was that a formal objection  
 16 to my question?  
 17 MR. BINDER: Yes.  
 18 Q. There were times when things were really busy at the  
 19 chemical company and people other than the Murphy's  
 20 would come up from the barrel shop and help out?  
 21 MR. BINDER: Objection.  
 22 A. You mean come up from the barrel shop, you mean  
 23 people from the barrel shop come up and work?  
 24 MR. NETBURN: Yes.

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1 A. Not that I know, I wasn't there, I was out on the  
 2 road delivering chemicals.  
 3 MR. NETBURN: What's the basis for your  
 4 objection?  
 5 MR. BINDER: You're leading him.  
 6 MR. NETBURN: Would you read my question  
 7 back?  
 8 (PREVIOUS QUESTION READ BY REPORTER)  
 9 Q. I think you testified that you would deliver drums and  
 10 chemicals to various customers; right?  
 11 A. Right.  
 12 Q. At times you would bring drums back with you?  
 13 A. Right.  
 14 Q. Would you load those drums on to the truck or would  
 15 other people?  
 16 A. We both load them together. I wheel the drum in,  
 17 another guy wheel a drum in. If they're on the  
 18 ground, the guy picked up the drum, put it on my  
 19 tailgate and I push it up in front.  
 20 Q. Were you given any instructions about whether or not  
 21 to take drums with things in them?  
 22 A. No.  
 23 Q. So you could bring drums that had a couple of gallons  
 24 of stuff?

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1 A. Yeah.

2 Q. Did you do that?

3 A. Not that I recall. I wanted a clean truck. Maybe

4 I did a few that I don't know of.

5 Q. Did some of the customers try to slip in drums that

6 had stuff in it? --

7 A. I don't know that, sir.

8 Q. You didn't see?

9 A. I didn't see.

10 Q. Did the barrel company also pick up drums to be

11 reconditioned?

12 A. Yes, there you go. Ray Nadeau, he picked them up,

13 and the other guy, Joseph Cefali, he picked them up.

14 You should ask them if they picked up hazardous waste

15 or junk in the drums, I didn't.

16 Q. I wasn't talking about whether it was hazardous or

17 not, I was trying to figure out whether drums came

18 back with stuff in them?

19 A. I don't know, I couldn't tell you that. Mine were

20 almost empty. I didn't open the cover up to see if

21 there was stuff in it.

22 Q. Did they have covers on them?

23 A. Yes, mostly had covers, you wouldn't take an open

24 drum, it's against the law.

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1 Q. Back then it was, too?

2 A. Uh-huh.

3 Q. Is that a yes?

4 A. Yes.

5 Q. The truck that you were driving, was that a box truck?

6 A. Yes. 20-footer, if that's any help to you.

7 Q. The barrel company, did they deliver with a box truck,

8 also?

9 A. No, they had an open truck, open, the whole thing

10 was open.

11 Q. So your trucks were bigger than the barrel trucks?

12 A. No, no, they had a barrel truck was bigger than

13 ours, it had an overrack on it.

14 Q. Did they pick up most the barrels for the barrel

15 company or did you guys pick them up?

16 A. I say they did, because they were processing the

17 barrels. We just picked up a few customers that give

18 us the barrels.

19 Q. Not all of the customers that you delivered chemicals

20 to would give you barrels?

21 A. No.

22 Q. When you came back with some barrels, you would drive

23 them back to the barrel shop?

24 A. Yep.

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1 Q. And who would unload them?

2 A. Well, here we go again. If the Murphys were

3 there, they unloaded them. If not, the Cefali boys

4 would unload them, Nadeau would unload them, it all

5 depends who was there.

6 Q. You would help them out?

7 A. Of course, I take -- I wouldn't take them off. I

8 would be on the truck, put them on the tailgate and

9 throw them down to them, that's it.

10 Q. The barrels were stacked outside; right?

11 A. Yes.

12 Q. Were they stacked near the burner shed or the burner

13 area?

14 A. I don't know, no, I don't know offhand.

15 Q. Were they --

16 A. They weren't near the river, they weren't near the

17 river. They were close to the building where they

18 process them, that's all I remember.

19 Q. The processing started with this chain conveyer?

20 A. Something like that, yeah.

21 Q. Did you ever take the barrels off of your truck and

22 did they go on the conveyer?

23 A. No.

24 Q. They would always be stacked up?

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1 A. Always stacked up, because at the time I came in

2 it was late, it was time for them to go home and me to

3 go home. So we put the barrels on the ground and they

4 did what they did the next day.

5 Q. Did you smoke back then?

6 A. Yeah, of course I did.

7 Q. I assume, would they allow smoking inside the plant --

8 A. No.

9 Q. -- where they made the chemicals?

10 A. No.

11 Q. Some of the stuff was flammable?

12 A. Yes, you wouldn't smoke, around no chemical would

13 you smoke.

14 Q. Was there an area where guys going out to smoke --

15 A. Yeah, the loading dock, out on the loading dock

16 where they load the truck up.

17 Q. Where would the guys from the barrel shop go to smoke,

18 would you hang out with them?

19 A. No, we never hang out at the barrel shop.

20 Q. How far apart was it?

21 A. Right down at the end the building there -- where

22 is that map? I'll show you right now.

23 Q. I actually saw the map. I was wondering, people

24 wouldn't walk down to hang out with the guys from the

Page 54

1 barrel shop?

2 A. No. Why should they? They got their own problem

3 up front. You're talking barrel shop and the chemical

4 plant, two different places. They're both the same

5 owners, the Buonannos owned it, that's it.

6 Q. Out back there was an area where they dumped stuff,

7 wasn't there?

8 MR. BINDER: Objection.

9 MR. NETBURN: You can answer.

10 A. I don't know.

11 Q. Did you ever take stuff out by the river to dump it

12 there?

13 THE WITNESS: Such as what, what stuff?

14 Q. There were barrels of stuff, did you ever empty them

15 out?

16 A. I couldn't do empty barrels -- I couldn't empty

17 them out. I didn't work for the barrel shop. I left

18 them on my truck, I brought them down to the area

19 where they unloaded my truck and they stacked them.

20 What they did with them, I don't know.

21 Q. Did you ever help out inside of the plant where they

22 made the chemicals?

23 THE WITNESS: Help out?

24 MR. NETBURN: Yes.

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1 THE WITNESS: Such as what?

2 Q. Did you ever load up drums with finished product?

3 A. Yeah. No, no, unload them. I mean, I took them

4 where they were. Say they were on the shipping floor

5 or receiving floor down at the bottom, put them on a

6 two wheel truck, wheeled them upstairs, yeah.

7 Q. Would you ever help them fill the drums?

8 A. No.

9 Q. They were never shorthanded and needed to get some

10 stuff out?

11 A. No, not to my knowledge. I was the guy that

12 delivered them, I was a truck driver. I'm going to

13 take out chemicals too? I don't know.

14 Q. They were never shorthanded?

15 A. Maybe they were shorthanded.

16 Q. But they never brought you inside?

17 A. No.

18 Q. Inside -- let me ask you this -- how did they move the

19 raw chemicals into the vessels?

20 A. There you go again. Ask Johnny Joyal, Bill Daily,

21 Walter Murphy, Buster Murphy.

22 Q. Did you ever see any of the guys dumping chemicals

23 into the manholes to fill them up to charge the

24 vessels?

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1 MR. BINDER: Objection.

2 Q. I'll withdraw that question. Did you ever see them

3 charging the vessels?

4 A. No, I don't think so. That wasn't my position to

5 see them, anyways. What do I care what they did?

6 Q. How did the chemical company get raw materials

7 delivered?

8 THE WITNESS: Raw materials?

9 MR. NETBURN: Yeah.

10 THE WITNESS: Not a finished product?

11 MR. NETBURN: Right.

12 A. We never did. Everything I delivered was a

13 finished product.

14 Q. Right, but how did the company get the raw material to

15 the plant?

16 A. Like I said, TH Baylis brought them in, or I

17 picked them up from TH Baylis and brought them in.

18 Q. Would you pick up both liquids and bags?

19 A. Sometimes, yes.

20 Q. Did they ever get --

21 THE WITNESS: They leak?

22 Q. No, I don't care about that. Did tanker cars ever

23 come?

24 A. Yes.

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1 Q. Tanker --

2 A. Tanker cars come loaded with formaldehyde,

3 corrosive, caustic things like that.

4 Q. Where would they store the large amounts of

5 formaldehyde?

6 A. That I don't know offhand.

7 Q. Would they pump them somewhere?

8 A. Yeah, they would be pumped somewhere. Where? I

9 don't know. If you get a hold -- he's passed away.

10 You got to get the guys that handled that stuff. You

11 must have their names down there.

12 MR. NETBURN: Yeah. A lot of guys are

13 dead.

14 A. That's what I mean. I remember what I did. I

15 remember trucks coming in, like you say. Where they

16 went, I don't know. They probably got on my truck and

17 took off.

18 Q. Where did you have lunch at the plant?

19 A. At the plant.

20 Q. Was there a place to eat lunch?

21 A. No. Yeah, on the loading dock.

22 Q. When it was cold?

23 THE WITNESS: Huh?

24 Q. When it was cold?

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1 A. I don't know, I wasn't there when it was cold.  
 2 Probably out to the road eating. They had a place  
 3 upstairs where they dressed up, maybe that's where  
 4 they eat the lunch, I don't know.  
 5 Q. Did the barrel guys ever come up to the loading dock  
 6 to eat lunch?  
 7 A. No, forget the barrel guys, they didn't want to  
 8 bother with us. Different company.  
 9 MR. NETBURN: Thank you, sir. I'm done.  
 10 THE WITNESS: Was I a help or what?  
 11 MR. NETBURN: You were a good help.  
 12 EXAMINATION BY MR. FARLEY  
 13 MR. FARLEY: My name is Mike Farley, we  
 14 met earlier, nice to see you again.  
 15 THE WITNESS: Yep. Am I saying something  
 16 bad or something over here?  
 17 MR. FARLEY: No. You're doing fine.  
 18 THE WITNESS: It seems like everybody is  
 19 asking me the same question, over and over. What am I  
 20 doing wrong?  
 21 MR. FARLEY: We're trying to get your  
 22 memory the best that you can give to us, and sometimes  
 23 the best way to get that is to ask the same question a  
 24 different way.

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1 THE WITNESS: Five other guys come up and  
 2 see me. I told them the same thing. I even signed  
 3 the paper, you got that paper here?  
 4 MR. BINDER: We showed you that a little  
 5 while ago.  
 6 THE WITNESS: See, I forget that already.  
 7 Q. Mr. Palumbo, did you have one truck that you drove?  
 8 A. Yeah, most of the time, yeah.  
 9 Q. It was your truck?  
 10 A. Yeah.  
 11 Q. Did you take that truck home with you every night?  
 12 A. No.  
 13 Q. It was stored in the yard?  
 14 A. Stored in the yard, yeah.  
 15 Q. Except for the time when you loaded it the night  
 16 before?  
 17 A. And had to go to Bates or something like that.  
 18 Q. I get the impression you kept a clean truck?  
 19 A. Yes.  
 20 Q. Did you have to clean it yourself?  
 21 A. Yes.  
 22 Q. How did you clean it, how did you keep it clean?  
 23 A. Dust pan and brush.  
 24 Q. Did you wash it inside and out?

1 A. Never washed the inside, it was always clean. You  
 2 mean if you spilled anything on the floor?  
 3 Q. If you spilled or it got dirty?  
 4 A. Wash it with water.  
 5 Q. Was there a place that you would do that in the yard,  
 6 was there a special truck cleaning area?  
 7 A. No.  
 8 Q. Would you pull it in the yard and clean it?  
 9 A. Yep.  
 10 Q. Wherever you could?  
 11 A. Yep.  
 12 Q. Mr. Palumbo, you mentioned earlier that the truck had  
 13 to carry placards in some cases?  
 14 A. Yes.  
 15 Q. Do you remember who told you to use the placards?  
 16 A. Jeez, D.O.T., Department of Transportation.  
 17 Q. You mean it was their rule?  
 18 A. Their rule, right.  
 19 Q. Did they come out and give a class on placards?  
 20 A. No.  
 21 Q. It is your boss who told you that?  
 22 A. Yep. Like I said before, it was on the bill of  
 23 lading. Paterson wrote "flammable," over one thousand  
 24 pounds you placarded it, corrosive, you placarded it,

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1 dangerous, you placarded it, whatever it was.  
 2 Q. The placard, did that have just the words dangerous or  
 3 was there also a logo?  
 4 A. There was dangerous and it was in red, flammable  
 5 was red, corrosive was black with corrosive across it.  
 6 You got any placards? I could show them to you.  
 7 Q. I know the present placards, I wondered if they were  
 8 the same at the time you worked there?  
 9 A. Maybe, I don't know.  
 10 Q. Do you know, I see you've got a couple of tattoos,  
 11 there is one on the inside your right arm?  
 12 A. This one.  
 13 Q. What is that one, is that a skull and cross bones?  
 14 A. Yes.  
 15 Q. Was that logo on the placards?  
 16 THE WITNESS: You mean poisonous?  
 17 Q. That placard stands for poisonous?  
 18 A. Yeah, it would, but we never delivered anything  
 19 poisonous that I know of.  
 20 Q. You didn't get that tattoo around the same time?  
 21 A. No. We didn't carry nothing that was poisonous  
 22 that I know of. Flammable, corrosive, that's all I  
 23 remember.  
 24 Q. They --



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1 A. Then when I worked for the other company, then I  
 2 learned about hazardous waste, down at GM Gannon. I  
 3 worked there a few years, I had to fill out  
 4 placards -- not placards, forms. Hazardous waste, but  
 5 for Gannon (sic) we never did it, never had any of  
 6 that stuff. --  
 7 Q. You've testified a bunch now about bringing barrels  
 8 back to the plant, did you keep track of the number of  
 9 barrels you brought back, would you write that down  
 10 and turn it in at the end of the day?  
 11 A. Yes.  
 12 Q. You would?  
 13 A. Right.  
 14 Q. Was there a form for that?  
 15 A. Yeah, we had papers, we filled them out. I picked  
 16 up so many barrels from Duro Finishing, because they  
 17 wanted to get credit for it, every barrel you brought  
 18 back Duro Finishing would have got credit for it. I  
 19 don't know what the credit was.  
 20 Q. Would those barrels automatically go to the barrel  
 21 company, or if they were in good condition they could  
 22 just be refilled?  
 23 A. No, they had to go down to the barrel company.  
 24 Good condition? No such thing as good condition when

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1 you brought them back.  
 2 Q. How did they look when they came back?  
 3 A. They looked all right, but not good condition  
 4 where you could refill it.  
 5 Q. You said they all were covered; right?  
 6 A. Right.  
 7 Q. Did they have like a screw hole in the top?  
 8 A. Some did and some didn't.  
 9 Q. How --  
 10 A. There was a cover with a quick lock on it or a nut  
 11 and bolt on it. A quick lock you just open the quick  
 12 lock and take the cover off. The other one had a nut  
 13 and bolt, you unscrew the nut and bolt and you take it  
 14 off. I didn't do that, the barrel shop did that.  
 15 Q. The barrel shop did that or the customer would do  
 16 that?  
 17 A. Yeah.  
 18 Q. Or if the customer wanted to get credit for it, they  
 19 would try to give you the barrel back in the same  
 20 condition?  
 21 A. Right.  
 22 THE WITNESS: Who's running that barrel  
 23 shop now up in North Smithfield, do you know?  
 24 MR. FARLEY: I don't know, I'm sorry.

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1 THE WITNESS: You'd find out a lot of  
 2 information if you went up there.  
 3 Q. Which barrel shop are you talking about in North  
 4 Smithfield?  
 5 A. This one here you're talking about. New England  
 6 Container, right? That's a barrel shop was down next  
 7 to Metro Atlantic when I worked down there, and they  
 8 moved up to North Smithfield.  
 9 MR. FARLEY: I see, okay.  
 10 A. Unless they changed the name, I don't know. Going  
 11 back too far, I don't know.  
 12 Q. I got to tell you I'm impressed that you remembered  
 13 Resin 400 T after 50 years?  
 14 A. I remember that all the time, because we always  
 15 had to get that drum and ship it out.  
 16 Q. Do you remember any other chemical names?  
 17 A. No. Wait a minute. Atcopal D, did you ever hear  
 18 that one?  
 19 Q. Atcopal D?  
 20 A. Yes.  
 21 Q. Do you know how that's spelled?  
 22 A. A-T-C-O-P-A-L, Atcopal, same name as Atlantic and  
 23 they put a P-A-L on it.  
 24 Q. Do you have any idea what that chemical did?

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1 A. It was a good washer. A lot of suds to it, wash  
 2 dishes with it.  
 3 Q. You would wash dishes at home?  
 4 A. Yeah, take a sample home and wash dishes with it.  
 5 It made a lot of suds. It wasn't harmful.  
 6 Q. How did the sample come?  
 7 THE WITNESS: Huh?  
 8 Q. Would you just get a sample in a pint container?  
 9 A. It was a 55 gallon drum, you open the cover up,  
 10 stick a jar in, take a sample out and put it back.  
 11 Q. Were there any other chemicals you can think of other  
 12 than Atcopal D and Resin 400 T?  
 13 A. No. Too far back, I can't remember all that  
 14 stuff. You got to tell me what I delivered, then I  
 15 could say yes or no. Ask Danny Paterson, he knows  
 16 everything. He should know all the chemicals. What  
 17 was hazardous, what was good and wasn't bad.  
 18 THE WITNESS: You five guys ain't the  
 19 same five guys that came up before, huh?  
 20 MR. FARLEY: I'm very new.  
 21 THE WITNESS: There's five guys here. I  
 22 seen five guys before you five guys. They came one at  
 23 a time, ask me the same questions you're asking now.  
 24 Here it is, I got the whole five at once telling the

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1 same thing. I hope it will be the end.  
 2 MR. FARLEY: Mr. Palumbo, I don't have  
 3 anything else, thank you very much your time.  
 4 THE WITNESS: Okay. I hope I was  
 5 sufficient enough.  
 6 MR. FARLEY: I'm sure you've done fine.  
 7 EXAMINATION BY MR. BINDER  
 8 Q. When you were working at Metro Atlantic, about how far  
 9 away did you live from Metro Atlantic?  
 10 A. Oh, God.  
 11 Q. A mile, two miles, five miles?  
 12 A. Closer than that. Graystone, do you know where  
 13 Graystone is?  
 14 MR. BINDER: No.  
 15 A. I would say a couple of miles.  
 16 Q. Couple of miles?  
 17 A. Yeah. Graystone.  
 18 Q. I'm going to show you this declaration of yours that  
 19 was marked earlier as Exhibit Number 2.  
 20 A. Uh-huh.  
 21 Q. I'm going to ask you to take a moment, if you would,  
 22 and look at Paragraph Number 4. Just look at it, you  
 23 don't need to read it out loud or anything.  
 24 (WITNESS PERUSING DOCUMENT)

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1 Q. Earlier today at the beginning of this, the first  
 2 lawyer who asked you some questions, Mr. Glowacki, had  
 3 this in front of you and he asked you whether you were  
 4 told that you should avoid breathing in chemicals.  
 5 When we look at this affidavit, on the last couple of  
 6 lines of Paragraph 4 it says you were advised that you  
 7 should avoid breathing in the hexachlorophenes?  
 8 A. Yes, the way they worded it here, it looked like I  
 9 worked in the place, which I didn't.  
 10 Q. I appreciate that. It says that you were advised that  
 11 you should avoid breathing in the hexachlorophene to  
 12 the extent possible if you wanted to have a family.  
 13 Were you told that about any chemical other than this  
 14 hexachlorophene?  
 15 A. I don't remember, no.  
 16 Q. You do remember you were told that about the  
 17 hexachlorophene?  
 18 A. Yeah, Dr. Springer. Why?  
 19 Q. He didn't tell you that about any other chemicals?  
 20 A. Not that I know of. I don't know what this  
 21 hexachlorophene was. Do you know what it was?  
 22 Q. Yeah, we know something about it, but anyway --  
 23 THE WITNESS: Is it dangerous?  
 24 Q. We can't talk about it during the deposition. We'll

1 just ask you the questions and the answers. It's a  
 2 product that is used in soaps and things like that.  
 3 Could you look, if you would, at Paragraph Number 15  
 4 on the second page of this declaration, please?  
 5 A. Yep.  
 6 Q. It mentioned that you delivered products to the  
 7 Original Bradford Soap Works in West Warwick and  
 8 Coventry area, and you indicate you did; is that  
 9 correct?  
 10 A. Yes.  
 11 Q. What type of products did you deliver to Bradford Soap  
 12 Works?  
 13 A. I don't remember, sir.  
 14 Q. I'm just trying to see whether or not you do --  
 15 A. Ask Danny Paterson.  
 16 Q. Do you remember that you ever delivered soaps at all?  
 17 THE WITNESS: Soaps?  
 18 MR. BINDER: Yes.  
 19 A. I could have, I don't remember.  
 20 Q. All I'm trying to do is find out whether or not you do  
 21 remember?  
 22 A. Nope.  
 23 Q. Do you recall delivering products to a company called  
 24 Sterling Winthrop, does that name ring a bell at all?

1 A. No. Where are they located?  
 2 MR. BINDER: They're around the area.  
 3 THE WITNESS: Around here?  
 4 MR. BINDER: Yes, I believe they were.  
 5 THE WITNESS: No, it don't.  
 6 Q. Did you basically deliver products or pick up products  
 7 at companies where you could drive that were sort of  
 8 in the general area of Providence, or an hour or two  
 9 away?  
 10 A. We didn't deliver nothing around Providence.  
 11 Q. You went to West Warwick?  
 12 A. Right, West Warwick, Putnam, Connecticut. Duro  
 13 Finishing, Pioneer Finishing.  
 14 Q. Mostly companies -- did you go mostly to companies in  
 15 Rhode Island?  
 16 THE WITNESS: Huh?  
 17 Q. Did you go mostly to companies in Rhode Island?  
 18 A. Yeah, some, like C and C, over here, Chemical.  
 19 Plainville Finishing, they're out of business.  
 20 Original Bradford Soap, I went there a few times.  
 21 Woonsocket Color, I went there a few times. George  
 22 Mann, that's a chemical plant, they're out of  
 23 business.  
 24 Q. What was the longest trip you took, where would it be

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1 to?

2 A. Maine.

3 Q. Maine?

4 A. Right.

5 Q. Most of the other times you could make a round trip

6 and a few stops in the course of a day? --

7 A. Yes. I didn't go to Maine and come back, I make a

8 few stops.

9 Q. I'm saying, other than going to Maine, were you able

10 to make a few stops and come back in a day?

11 A. Yeah, a few stops. I did more than a few stops, I

12 did five or six, maybe.

13 Q. I guess you said you picked up some chemical for Metro

14 Atlantic from Baylis?

15 A. Yes.

16 Q. Do you recall whether you picked up chemical for Metro

17 Atlantic from any place other than Baylis?

18 A. Yeah, who did I pick them up from? Yes, Bradford

19 Soap Works we picked up from.

20 Q. You picked up chemicals for Metro Atlantic from them?

21 A. Yeah. I didn't put that down, though.

22 Q. Would you mind just taking a few minutes to just look

23 at the different -- actually, why don't I do this a

24 little more quickly. I'm going to read to you the

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1 names of some of the companies that are referred to in

2 your declaration, then I'm going to ask you whether

3 you picked up any chemicals from these companies. Did

4 you pick up any chemicals for Metro Atlantic from

5 Hoechst Chemical in West Warwick?

6 A. No, you're going to the companies. I don't

7 remember them. Duro Finishing, I picked up empties.

8 Putnam Hertz I picked up empties from. Rockville

9 Finishing, never went to that place. I delivered, I

10 don't remember that, either. C and C Chemical, I

11 don't know that, I don't recall C and C Chemical.

12 Picked up barrels from U.S. Oil Company on Dexter

13 Street, I remember that, in East Providence.

14 Greenville Finishing, I delivered products there, I

15 didn't pick up any barrels, not that I know of. Brown

16 & Sharpe -- where the hell? I don't know about the

17 Brown & Sharp deal. Original Bradford Soap, yes, I

18 picked up stuff from Original Bradford Soap, whatever

19 it was and brought it back to Metro Atlantic.

20 Woonsocket Color on Privilege Street, I know where the

21 place is, I probably delivered there and not remember

22 it. George Mann, I remember that, that's another

23 chemical plant where I picked up chemicals and

24 delivered. It says delivered barrels, I don't know

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1 what they're talking about there. I picked up

2 chemicals from George Mann and brought it back to

3 whatchamacallit, TH Baylis.

4 Q. You brought it back to whatchamacallit, does that mean

5 you brought back chemicals to Metro Atlantic?

6 A. Yes, same thing with Baylis. Eastern Color, yeah,

7 picked up there, too.

8 Q. These different places where you picked up

9 chemicals -- I'm going to ask you whether you remember

10 picking up some chemical and you might or might not

11 remember. Do you remember picking up a chemical

12 called trichlorophenol?

13 A. Nope. Percteen (sic) I remember, that's the other

14 one, perc.

15 Q. Perchloroethylene, PCE, is that what you're referring

16 to?

17 A. Yeah, that's for cleaning clothes.

18 Q. It's called PCE sometimes?

19 A. I don't know. And the tri, the other one, tri, we

20 picked that up, too.

21 Q. Trichlorophenol?

22 A. Yeah. What did we use it for? I don't know.

23 Q. Do you recall picking up a chemical known as Nabac,

24 N-A-B-A-C?

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1 A. Not that name.

2 MR. BINDER: It either rings a bell or it

3 doesn't.

4 A. No. What is it used for, do you recall?

5 Q. It's another name for hexachlorophene, I don't know if

6 that would bring ring a bell or not?

7 A. Atcopal D, that's all I remember. How come they

8 didn't write that down?

9 MR. BINDER: I don't know, we'll have to

10 talk about whoever wrote up your declaration for that.

11 A. Atcopal, we used to wash dishes with that.

12 Q. Atcopal D was used to wash dishes?

13 MR. NETBURN: Objection.

14 A. Yes.

15 Q. Did you use Atcopal D to wash dishes?

16 A. I did, yeah. I don't know about the rest of the

17 people. I told you I opened the drum and get a sample

18 out and go home.

19 Q. Did you know if any of the other employees happened to

20 open up the drums to take a sample of the product

21 home, did you see them do it, by any chance?

22 A. No, I didn't see them do it. That ain't stealing.

23 MR. BINDER: No one is suggesting it is.

24 Q. Do you recall whether the truck you drove, did that

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1 have the telephone number to Metro Atlantic on it?  
 2 A. Yes. It had the name on the side.  
 3 Q. It had the name and telephone number?  
 4 A. Right. And placards, too, all around it.  
 5 Q. Do you know whether the trucks, the barrel company  
 6 used to have the name of the barrel company on it?  
 7 A. I don't know. You're going different places, I  
 8 don't know, ask them, ask them.  
 9 MR. BINDER: Fair enough. You might have  
 10 seen it, that's all.  
 11 A. I seen TH Baylis, they had them, George Mann, they  
 12 had trucks. I imagine they have a name, I don't know.  
 13 Q. That's okay. At any of the time you were at Metro  
 14 Atlantic did you happen to see any time where there  
 15 was a tank exploded or anything like that?  
 16 A. No. If I seen that, I would have took off.  
 17 Q. I'm sure you would have. Do you know how long Angelo  
 18 Carbone worked at Metro Atlantic?  
 19 A. He worked the same time I did. He's passed away,  
 20 I don't know how many years.  
 21 Q. He worked there through 1971 like you did?  
 22 A. Yep, me and him started together.  
 23 Q. Did you go to the place on Dudley Street together?  
 24 A. Yes, down Providence.

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1 Q. Is Angelo a good friend of yours?  
 2 A. Yeah, we're buddies, both drove the same type of  
 3 truck.  
 4 Q. Did Angelo tell you about a time where he put his --  
 5 where he pumped in the -- opened up the wrong valve  
 6 and a lot of chemical accidentally came loose?  
 7 MS. MAIN: Objection.  
 8 A. No, not that I know of.  
 9 Q. When you were at the Metro Atlantic plant did you ever  
 10 see any fire department come by? You should answer  
 11 yes or no.  
 12 A. No, I'm sorry. The fire department?  
 13 Q. Either you saw it or you didn't. Did you ever see a  
 14 tank overflow at all?  
 15 A. No, sir. They probably did but I never seen them.  
 16 Probably overflowed right in the yard, right down the  
 17 river, I don't know, sir.  
 18 MR. BINDER: I'm just trying to find out  
 19 what you do know.  
 20 THE WITNESS: I don't know if you're  
 21 trying to get me in trouble over here.  
 22 MR. BINDER: No, I'm trying to find out  
 23 what you know. I don't have any more questions for  
 24 you.

1 MS. MAIN: No follow up.  
 2 MR. NETBURN: Thank you, sir.  
 3 MR. FARLEY: Thank you, sir.  
 4 COURT REPORTER: Mr. Binder, would you  
 5 like a copy of this?  
 6 MR. BINDER: Yes, please. We can arrange  
 7 to send this deposition to you so you can take a look  
 8 at it and make sure that there is nothing in there  
 9 that's wrong.  
 10 THE WITNESS: Probably a lot of things  
 11 wrong, which I will not remember.  
 12 MR. BINDER: If by some chance it was a  
 13 mistake made in taking down your testimony or  
 14 something like that, that when you look at it later,  
 15 you see it is not correct, you'll have a chance --  
 16 THE WITNESS: What good is it going to  
 17 do?  
 18 MR. BINDER: If a mistake was made, we  
 19 want to have a chance to correct it so we know it's  
 20 your best testimony.  
 21 THE WITNESS: I picked up barrels at U.S.  
 22 Oil, I remember picking them up. I remember that.  
 23 MR. NETBURN: Mr. Palumbo, you have a  
 24 right, if you want to look at the transcript and make

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1 any changes. Do you want to do that or do you want to  
 2 waive that?  
 3 THE WITNESS: Here is the only thing I  
 4 want, I don't want the people to bother me no more. I  
 5 had enough.  
 6 MR. NETBURN: Do you want to read the  
 7 transcript or waive that?  
 8 THE WITNESS: Excuse me, what is it going  
 9 to do for me if I read it? What is it going to do for  
 10 me? Is it going to stop you guys from coming up and  
 11 haunting me?  
 12 MR. NETBURN: I can't answer, I don't  
 13 know. Do you want to read it or not?  
 14 THE WITNESS: I don't understand. Why  
 15 have I got to read it?  
 16 MR. NETBURN: You have a right, all I'm  
 17 saying is you have a right. You don't have to do it,  
 18 but you have the right to read it.  
 19 THE WITNESS: Maybe I should, because you  
 20 might put something in there.  
 21 MR. NETBURN: It will be sent to you.  
 22 MR. BINDER: It will be sent to you so  
 23 you have a chance to read it and make a list of  
 24 anything you might find that's not correct and send it

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1 back.

2 COURT REPORTER: Mr. Netburn, would you  
3 like a copy of this?

4 MR. NETBURN: Yes.

5 COURT REPORTER: Mr. Farley?

6 MR. FARLEY: Yes. --

7 COURT REPORTER: Mr. Glowacki, would you  
8 like a copy?

9 MR. GLOWACKI: Yes.

10 (DEPOSITION CLOSED AT 11:19 A.M.)

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1 CERTIFICATE

2

3 I, Melanie Chace, a Notary Public in and for the  
4 State of Rhode Island and Providence Plantations, duly  
5 commissioned and qualified to administer oaths, do hereby  
6 certify that the foregoing deposition of Felix Palumbo, a  
7 deponent in the above-entitled cause, was taken before me  
8 on behalf of the Defendants, at the offices of Holland &  
9 Knight, LLP, One Financial Plaza, Suite 1800, Providence,  
10 Rhode Island on December 20, 2002 at 9:30 a.m., that  
11 previous to examination of said witness, who was of lawful  
12 age, was first sworn by me and duly cautioned and sworn to  
13 testify the truth, the whole truth, and nothing but the  
14 truth, and that thereupon testified as in the foregoing  
15 manner as set out in the aforesaid transcript.

16 I further certify that the foregoing deposition was  
17 taken down by me in machine shorthand and was later  
18 transcribed by computer and that the foregoing deposition  
19 is a true and accurate record of the testimony of said  
20 witness.

21 Pursuant to Rule 5(d) and 30(f) of the Federal  
22 Rules of Civil Procedure, original transcripts shall not  
23 be filed in court; therefore, the original is delivered  
24 and retained by Defendant's Attorney, Robin Main.

25 I have enclosed with the deposition a correction  
26 and signature page, which must be signed before a Notary  
27 Public.

28 IN WITNESS WHEREOF I hereunto set my hand this 2nd  
29 day of January, 2003.

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MELANIE M. CHACE, RPR, NOTARY PUBLIC  
MY COMMISSION EXPIRES APRIL 7, 2003

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I further certify that the foregoing deposition was taken down by me in machine shorthand and was later transcribed by computer and that the foregoing deposition is a true and accurate record of the testimony of said witness.

Pursuant to Rule 5(d) and 30(f) of the Federal Rules of Civil Procedure, original transcripts shall not be filed in court; therefore, the original is delivered and retained by Defendant's Attorney, Robin Main.

I have enclosed with the deposition a correction and signature page, which must be signed before a Notary Public.

IN WITNESS WHEREOF I hereunto set my hand this 2nd day of January, 2003.

  
MELANIE M. CHACE, RPR, NOTARY PUBLIC  
MY COMMISSION EXPIRES APRIL 7, 2003